

AEB, APPEAL, BILL\_OF\_COSTS, CLOSED, DECLINE\_MJ,

**U.S. District Court**  
**Western District of Wisconsin (Madison)**  
**CIVIL DOCKET FOR CASE #: 3:21-cv-00118-wmc**

Edgewood High School of the Sacred Heart, Inc. v. City of Madison, Wisconsin et al

Assigned to: District Judge William M. Conley

Referred to: Magistrate Judge Stephen L. Crocker

Cause: 42:2000cc RLUIPA (Religious Land Use and Institutionalized Persons Act)

Date Filed: 02/19/2021

Date Terminated: 01/03/2023

Jury Demand: Both

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: Federal Question

**Plaintiff**

**Edgewood High School of the Sacred Heart, Inc.**

represented by **Jonathan R. Ingrisano**

Godfrey & Kahn, S.C.

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*TERMINATED: 04/29/2022*

*LEAD ATTORNEY*

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V.

**Defendant****City of Madison, Wisconsin**

represented by **Barry Blonien**  
Boardman & Clark LLP  
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**Sarah Anne Zylstra**  
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**Defendant****City of Madison Zoning Board of Appeals**

represented by **Barry Blonien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**City of Madison Plan Commission**

represented by **Barry Blonien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****City Of Madison Common Council**

represented by **Barry Blonien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Zoning Administrator Matthew Tucker***in his official capacity*

TERMINATED: 05/03/2022

represented by **Barry Blonien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Director George Hank***in his official capacity*

TERMINATED: 05/03/2022

represented by **Barry Blonien**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Alder Tag Evers***in his official capacity*

TERMINATED: 05/03/2022

represented by **Barry Blonien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Anne Zylstra**

(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/19/2021	<a href="#">1</a>	COMPLAINT against All Defendants. ( Filing fee \$ 402 receipt number 0758-2832003.), filed by Edgewood High School of the Sacred Heart, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit A - Edgewood Master Plan, # <a href="#">2</a> Exhibit Exhibit B - Our History - Edgewood High School, # <a href="#">3</a> Exhibit Exhibit C - Edgewood High School Mission Statement, # <a href="#">4</a> Exhibit Exhibit D - Planning Division Staff Report on Master Plan, # <a href="#">5</a> Exhibit Exhibit E - Oct 26, 2018 Email from Tucker, # <a href="#">6</a> Exhibit Exhibit F - April 1, 2019 Notice, # <a href="#">7</a> Exhibit Exhibit G - May 15, 2019 Notice, # <a href="#">8</a> Exhibit Exhibit H - May 31, 2019 Notice of Appeal to Zoning Board of Appeals, # <a href="#">9</a> Exhibit Exhibit I - Electrical Permit for MMHS, # <a href="#">10</a> Exhibit Exhibit J - City of Madison Site Plan Verification, # <a href="#">11</a> Exhibit Exhibit K - July 12, 2019 Letter from Michael May, # <a href="#">12</a> Exhibit Exhibit L - July 17, 2019 Email from John Strange, # <a href="#">13</a> Exhibit Exhibit M - Sept 30, 2019 Lighting Application Letter, # <a href="#">14</a> Exhibit Exhibit N - March 11, 2020 Conditional Use Application, # <a href="#">15</a> Exhibit Exhibit O - Staff Recommendation on CUP, # <a href="#">16</a> Exhibit Exhibit P - May 11, 2020 Minutes from Plan Commission, # <a href="#">17</a> Exhibit Exhibit Q - Feb 1, 2021 Published Proceedings of Common Council, # <a href="#">18</a> Exhibit Exhibit R - Feb 27, 2019 Corr from Matt Tucker, # <a href="#">19</a> JS-44 Civil Cover Sheet JS-44 Civil Cover Sheet, # <a href="#">20</a> Summons Summons to Alder Tag Evers, # <a href="#">21</a> Summons Summons to City of Madison Zoning Board of Appeals, # <a href="#">22</a> Summons Summons to City of Madison, # <a href="#">23</a> Summons Summons to George Hank, # <a href="#">24</a> Summons Summons to Matthew Tucker, # <a href="#">25</a> Summons Summons to City of Madison Common Council, # <a href="#">26</a> Summons Summons to City of Madison Plan Commission) (Wittenwyler, Mike) (Entered: 02/19/2021)
02/19/2021	<a href="#">2</a>	Corporate Disclosure Statement by Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Wittenwyler, Mike) (Entered: 02/19/2021)
02/19/2021	<a href="#">3</a>	Notice of Appearance of <i>Paul J. Covaleski</i> filed by Paul James Covaleski for Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Covaleski, Paul) (Entered: 02/19/2021)
02/19/2021	<a href="#">4</a>	Notice of Appearance of <i>Jonathan R. Ingrisano</i> filed by Jonathan R. Ingrisano for Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Ingrisano, Jonathan) (Entered: 02/19/2021)

02/19/2021	<a href="#">5</a>	Motion to Admit Noel W. Sterett Pro Hac Vice. ( Pro Hac Vice fee \$ 100 receipt number 0758-2832329.) by Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Sterett, Noel) (Entered: 02/19/2021)
02/22/2021		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (kwf) (Entered: 02/22/2021)
02/22/2021		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: <a href="#">Corporate Disclosure Statement</a> , <a href="#">Order Regarding Assignment of Cases</a> , <a href="#">Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment</a> , <a href="#">Order on Dispositive Motions</a> . (kwf) (Entered: 02/22/2021)
02/22/2021	<a href="#">6</a>	Summons Issued as to City of Madison, Wisconsin, City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, Tag Evers, George Hank, Matthew Tucker. (kwf) (Entered: 02/22/2021)
02/22/2021	7	** TEXT ONLY ORDER ** ORDER granting <a href="#">5</a> Motion to Admit Noel W. Sterett Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 2/22/2021. (lak) (Entered: 02/22/2021)
03/02/2021	<a href="#">8</a>	Motion to Admit Sorin Adrian Leahu Pro Hac Vice. ( Pro Hac Vice fee \$ 100 receipt number 0758-2836912.) by Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Leahu, Sorin) (Entered: 03/02/2021)
03/03/2021	9	** TEXT ONLY ORDER ** ORDER granting <a href="#">8</a> Motion to Admit Sorin Adrian Leahu Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 3/3/2021. (lak) (Entered: 03/03/2021)
03/09/2021	<a href="#">10</a>	Stipulated Motion for Extension of Time to File Answer <i>and Waiver of Service</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Covaleski, Paul) (Entered: 03/09/2021)
03/09/2021	11	** TEXT ONLY ORDER ** ORDER accepting and granting <a href="#">10</a> Stipulated Motion for Extension of Time to Answer. City of Madison, Wisconsin, City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, Tag Evers, George Hank, Matthew Tucker answer due 4/19/2021. Signed by Magistrate Judge Stephen L. Crocker on 3/9/2021. (kwf) (Entered: 03/09/2021)
04/19/2021	<a href="#">12</a>	<b>MOTION TO DISMISS and Motion to Strike</b> by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. Brief in Opposition due 5/10/2021. Brief in Reply due 5/20/2021. (Blonien, Barry) (Entered: 04/19/2021)
04/19/2021	<a href="#">13</a>	Brief in Support of <a href="#">12</a> Motion to Dismiss, <i>and Motion to Strike</i> by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker (Blonien, Barry) (Entered: 04/19/2021)
04/20/2021		Judge update in case. Case randomly reassigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (lak) (Entered: 04/20/2021)

04/20/2021		Set Telephone Pretrial or Status Conference: Telephone Pretrial Conference set for 5/19/2021 at 01:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. <a href="#">[Standing Order Governing Preliminary Pretrial Conference attached]</a> (rks) (Entered: 04/20/2021)
04/20/2021	<a href="#">14</a>	Notice of Appearance filed by Sarah Anne Zylstra for Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. (Zylstra, Sarah) (Entered: 04/20/2021)
05/10/2021	<a href="#">15</a>	Brief in Opposition by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">12</a> Motion to Dismiss, filed by City of Madison Plan Commission, Tag Evers, City of Madison Zoning Board of Appeals, Matthew Tucker, City Of Madison Common Council, George Hank, City of Madison, Wisconsin (Wittenwyler, Mike) (Entered: 05/10/2021)
05/14/2021	<a href="#">16</a>	Preliminary Pretrial Conference Report by Plaintiff Edgewood High School of the Sacred Heart, Inc. (Covaleski, Paul) (Entered: 05/14/2021)
05/19/2021		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 5/19/2021 [:10] (cak) (Entered: 05/19/2021)
05/19/2021		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 5/19/2021 [:10] (cak) (Entered: 05/19/2021)
05/20/2021	<a href="#">17</a>	Brief in Reply by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker in Support of <a href="#">12</a> Motion to Dismiss, <i>and Motion to Strike</i> (Blonien, Barry) (Entered: 05/20/2021)
05/21/2021	<a href="#">18</a>	Pretrial Conference Order - <a href="#">Preliminary Pretrial Packet in cases assigned to District Judge William M. Conley</a> attached. Dispositive Motions due 5/13/2022. Settlement Letters due 9/2/2022. Motions in Limine due 9/9/2022. Responses due 9/23/2022. Final Pretrial Conference set for 10/4/2022 at 4:00 PM. Jury Selection and Trial set for 10/17/2022 at 9:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 5/21/2021. (kwf) (Entered: 05/21/2021)
11/12/2021	<a href="#">19</a>	Motion to Stay by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. Response due 11/19/2021. (Zylstra, Sarah) (Entered: 11/12/2021)
11/12/2021	<a href="#">20</a>	Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">19</a> Motion to Stay, (Attachments: # <a href="#">1</a> Exhibit A -- Plaintiff's Requests for Admission to All Defendants dated November 2, 2021, # <a href="#">2</a> Exhibit B -- Plaintiff's Interrogatories to All Defendants dated November 2, 2021, # <a href="#">3</a> Exhibit C -- Plaintiff's Requests for Production of Documents to All

		Defendants dated November 2, 2021) (Zylstra, Sarah) (Entered: 11/12/2021)
11/19/2021	<a href="#">21</a>	Brief in Opposition by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">19</a> Motion to Stay, filed by City of Madison Plan Commission, Tag Evers, City of Madison Zoning Board of Appeals, Matthew Tucker, City Of Madison Common Council, George Hank, City of Madison, Wisconsin (Covaleski, Paul) (Entered: 11/19/2021)
11/19/2021	<a href="#">22</a>	Affidavit of Paul Covaleski filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">19</a> Motion to Stay, (Attachments: # <a href="#">1</a> Exhibit Exhibit A - Email September 20, 2021) (Covaleski, Paul) (Entered: 11/19/2021)
11/22/2021	23	<b>** TEXT ONLY ORDER **</b> Defendants' motion to continue the discovery stay that ended on August 13, 2021 is denied. The court-wide stay policy provides the parties in a civil case a 12-week respite from discovery at the beginning of their lawsuit when a dismissal motion has been filed before we set the schedule, and the court accounts for this 12-week stay when setting the schedule. Although the court endeavors to decide these dismissal motions before the 12 weeks have run, it does not always succeed, which is why the deadline is an either/or proposition. In the absence of a granted dismissal motion within 12 weeks, discovery must begin when the stay ends so that the case will stay on schedule. Although defendants' arguments in favor of continuing the stay are correct as far as they go, the court considered and rejected this approach when it enacted its 12-week either/or policy, and there is nothing unique to this case that would cause the court to keep the stay in place. Signed by Magistrate Judge Stephen L. Crocker on 11/22/2021. (kwf) (Entered: 11/22/2021)
04/01/2022	<a href="#">24</a>	Joint Motion for Extension of Time to Extend Summary Judgment deadline 7 days by Plaintiff Edgewood High School of the Sacred Heart, Inc.. Motions referred to Magistrate Judge Stephen L. Crocker. (Covaleski, Paul) (Entered: 04/01/2022)
04/01/2022	25	<b>** TEXT ONLY ORDER **</b> ORDER granting <a href="#">24</a> Joint Motion for Extension of Time. Dispositive Motions due 5/20/2022. Signed by Magistrate Judge Stephen L. Crocker on 4/1/2022. (arw) (Entered: 04/01/2022)
04/29/2022	<a href="#">26</a>	Motion to Withdraw as Attorney of <i>Paul J. Covaleski</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. Response due 5/6/2022. (Covaleski, Paul) (Entered: 04/29/2022)
04/29/2022	27	<b>** TEXT ONLY ORDER **</b> ORDER granting <a href="#">26</a> Motion to Withdraw as Attorney. Attorney Paul James Covaleski withdrawn from the case. Signed by Magistrate Judge Stephen L. Crocker on 4/29/2022. (kwf) (Entered: 04/29/2022)
05/03/2022	<a href="#">28</a>	OPINION AND ORDER granting in part and denying in part <a href="#">12</a> Motion to Dismiss and Motion to Strike. Defendants Matthew Tucker, George Hank, and Tag Evers are DISMISSED. Signed by District Judge William M. Conley on 5/3/2022. (kwf) (Entered: 05/03/2022)

05/13/2022	<a href="#">29</a>	ANSWER with Jury Demand by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. (Zylstra, Sarah) (Entered: 05/13/2022)
05/20/2022	<a href="#">30</a>	Deposition of George Hank taken on 4/27/22. (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">31</a>	Deposition of Tag Evers taken on 4/28/22. (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">32</a>	Deposition of Matthew Tucker taken on 4/29/22. (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">33</a>	Deposition of Michael Elliott taken on 5/10/22. (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">34</a>	<b>MOTION FOR SUMMARY JUDGMENT</b> by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. Brief in Opposition due 6/10/2022. Brief in Reply due 6/21/2022. (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">35</a>	Declaration of Shawn Schey filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit A -- Edgewood Neighborhood Liaison Committee Meeting Minutes 4/14/2015, # <a href="#">2</a> Exhibit B -- Testimony by Shawn Schey to the ZBA 7/11/2019, # <a href="#">3</a> Exhibit C -- DMNA Council Meeting Minutes 8/14/1996) (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">36</a>	Declaration of Tag Evers filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit A -- Wise Sound Study, # <a href="#">2</a> Exhibit B -- Talaske Sound Study, # <a href="#">3</a> Exhibit C -- Letter from Friends of Lake Wingra, # <a href="#">4</a> Exhibit D -- Written materials re: Edgewood's conditional use application) (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">37</a>	Declaration of Matthew Tucker filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">38</a>	Declaration of Timothy M. Parks filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">39</a>	Declaration of James Verbrick filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker

		re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">40</a>	Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit A -- Dep. Ex. 7 Edgewood Campus Master Plan Part 1 of 2, # <a href="#">2</a> Exhibit A -- Dep. Ex. 7 Edgewood Campus Master Plan Part 2 of 2, # <a href="#">3</a> Exhibit B -- Dep. Ex. 13 MGO 28.097 Campus-Institutional District Ordinance, # <a href="#">4</a> Exhibit C -- Dep. Ex. 18 Leigstar File 56981, 2019.10.1, # <a href="#">5</a> Exhibit D -- Dep. Ex. 55 Email 2013.10.10 from Balistreri-Clarke, # <a href="#">6</a> Exhibit E -- Dep. Ex. 54 Email 2013.12.5 re master plan draft, # <a href="#">7</a> Exhibit F -- Dep. Ex. 57 Wisconsin State Journal 2015.6.15, # <a href="#">8</a> Exhibit G -- Dep. Ex. 59 Edgewood Neighborhood Meeting Agenda 2016.5.10 72, # <a href="#">9</a> Exhibit H -- Dep. Ex. 72 Email 2017.3.7 re meeting with Tucker, # <a href="#">10</a> Exhibit I -- Dep. Ex. 61 Email 2018.7.27 from Eskrich, # <a href="#">11</a> Exhibit J -- Dep. Ex. 64 Email 2018.10.26 from Tucker, # <a href="#">12</a> Exhibit K -- Dep. Ex. 62 Letter from Elliott to Stouder, # <a href="#">13</a> Exhibit L -- Dep. Ex. 65 Letter 2018.11.14 to Tucker, # <a href="#">14</a> Exhibit M -- Dep. Ex. 66 Letter 2018.11.20 from Tucker, # <a href="#">15</a> Exhibit N -- Dep. Ex. 37 Edgewood Lighting Application Feb. 2019, # <a href="#">16</a> Exhibit O -- Dep. Ex. 6 Letter 2019.2.27 from Tucker, # <a href="#">17</a> Exhibit P -- Dep. Ex. 3 City of Madison Site Plan Verification, # <a href="#">18</a> Exhibit Q -- Dep. Ex. 1 MGO 10.085 Outdoor Lighting, # <a href="#">19</a> Exhibit R -- Dep. Ex. 70 Letter 2019.3.12 from Wautier, # <a href="#">20</a> Exhibit S -- Dep. Ex. 71 Letter 2019.3.21 from Strange, # <a href="#">21</a> Exhibit T -- Dep. Exs. 9 and 11 Notices of Violation, # <a href="#">22</a> Exhibit U -- Dep. Ex. 74 Edgewood Appeal Application to ZBA, # <a href="#">23</a> Exhibit V -- Dep. Ex. 76 ZBA Hearing transcript 2019.7.11, # <a href="#">24</a> Exhibit W -- Dep. Ex. 12 Letter 2019.7.12 from May, # <a href="#">25</a> Exhibit X -- Dep. Ex. 22 Letter 2019.7.29 to Mayor, # <a href="#">26</a> Exhibit Y -- Dep. Ex. 25 Meeting Minutes 2019.8.26, # <a href="#">27</a> Exhibit Z -- Dep. Ex. 24 City Attorney Memo re Legistar # 56981 and 56839 2019.8.26, # <a href="#">28</a> Exhibit AA -- Dep. Ex. 26 Meeting Minutes 2019.9.16, # <a href="#">29</a> Exhibit BB -- Dep. Ex. 5 Letter 2019.9.30 from Wautier, # <a href="#">30</a> Exhibit CC -- Dep. Ex. 84 Email 2019.10.14 from Kneer, # <a href="#">31</a> Exhibit DD -- Dep. Ex. 83 Planning Division Memo 2019.10.28, # <a href="#">32</a> Exhibit EE -- Dep. Exs. 81 and 82 Emails requesting delay 2019.10.10 and 2019.10.24, # <a href="#">33</a> Exhibit FF -- Dep. Ex. 86 Email 2020.1.8 from Elliott, # <a href="#">34</a> Exhibit GG -- Dep. Ex. 87 Conditional Use Plan Legistar, # <a href="#">35</a> Exhibit HH -- Dep. Ex. 33 Legistar File ID# 60001 2020.5.11, # <a href="#">36</a> Exhibit II -- Dep. Ex. 89 Letter 2020.5.13 from Parks, # <a href="#">37</a> Exhibit JJ -- Dep. Ex. 90 Letter 2020.5.21 from Elliott, # <a href="#">38</a> Exhibit KK -- Dep. Ex. 93 Email 2021.9.29 re commons addition, # <a href="#">39</a> Exhibit LL -- Dep. Ex. 48 Fitchburg Star Article, # <a href="#">40</a> Exhibit MM -- Dep. Ex. 2 Electrical Permit MMSD, # <a href="#">41</a> Exhibit NN -- Defs.' Resp. to Pltf.'s Requests for Admission,

		# <a href="#">42</a> Exhibit OO -- Dep. Ex. 46 UW-Madison Master Plan effective 2019.1.1 Part 1 of 4, # <a href="#">43</a> Exhibit OO -- Dep. Ex. 46 UW-Madison Master Plan effective 2019.1.1 Part 2 of 4, # <a href="#">44</a> Exhibit OO -- Dep. Ex. 46 UW-Madison Master Plan effective 2019.1.1 Part 3 of 4, # <a href="#">45</a> Exhibit OO -- Dep. Ex. 46 UW-Madison Master Plan effective 2019.1.1 Part 4 of 4, # <a href="#">46</a> Exhibit PP -- Dep. Ex. 50 EHS Accreditation Report 2015.10.11, # <a href="#">47</a> Exhibit QQ -- Dep. Ex. 94 EHS Answers to Interrogatories) (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">41</a>	Proposed Findings of Fact filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/20/2022)
05/20/2022	<a href="#">42</a>	Brief in Support of <a href="#">34</a> Motion for Summary Judgment, by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. (Zylstra, Sarah) Modified on 5/23/2022. (lak) (Entered: 05/20/2022)
05/25/2022	<a href="#">43</a>	Notice by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin re: <a href="#">37</a> Declaration re: <a href="#">34</a> Motion for Summary Judgment. <i>Letter from Sarah Zylstra to Judge William Conley re: filing corrected documents.</i> (Zylstra, Sarah) Modified on 5/25/2022. (lak) (Entered: 05/25/2022)
05/25/2022	<a href="#">44</a>	Amended Declaration of Matthew Tucker filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/25/2022)
05/25/2022	<a href="#">45</a>	Corrected Proposed Findings of Fact filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 05/25/2022)
06/10/2022	<a href="#">46</a>	Brief in Opposition by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, filed by City of Madison Plan Commission, Tag Evers, City of Madison Zoning Board of Appeals, Matthew Tucker, City Of Madison Common Council, George Hank, City of Madison, Wisconsin (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">47</a>	Response to Proposed Findings of Fact filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">48</a>	Proposed Findings of Fact filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, <i>Additional</i> (Ingrisano, Jonathan) (Entered: 06/10/2022)

06/10/2022	<a href="#">49</a>	Declaration of Michael Elliott filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">50</a>	Declaration of Christopher Zwettler filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">51</a>	Declaration of Nathan J. Wautier filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit 1 - Email from Wautier to Elliott and Munson, March 1, 2019) (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">52</a>	Declaration of Judd Schemmel filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">53</a>	Declaration of Kathleen Phelan, O.P. filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/10/2022	<a href="#">54</a>	Declaration of Jonathan R. Ingrisano filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">34</a> Motion for Summary Judgment, (Attachments: # <a href="#">1</a> Exhibit 1 - Planning Division Staff Report, # <a href="#">2</a> Exhibit 2 - City of Madison Site Plan Verification, # <a href="#">3</a> Exhibit 3 - Goodman Softball Articles, # <a href="#">4</a> Exhibit 4 - UW Natatorium Article, # <a href="#">5</a> Exhibit 5 - Nielsen Tennis Stadium Article and Information, # <a href="#">6</a> Exhibit 6 - Near West Field Information, # <a href="#">7</a> Exhibit 7 - Legislative History of Edgewood Campus Master Plan Repeal, # <a href="#">8</a> Exhibit 8 - The Capital Times Article dated August 1, 2019, # <a href="#">9</a> Exhibit 9 - Common Council approved meeting minutes, August 6, 2019, # <a href="#">10</a> Exhibit 10 - Wisconsin State Journal Article dated September 4, 2019, # <a href="#">11</a> Exhibit 11 - EHS Collaborative Workgroup Meeting 4/30/2019, Unapproved Draft Minutes, # <a href="#">12</a> Exhibit 12 - Planning Division approval letter for UW Master Plan, October 4, 2017, # <a href="#">13</a> Exhibit 13 - Email from Strange to Wautier, July 17, 2019) (Ingrisano, Jonathan) (Entered: 06/10/2022)
06/15/2022	<a href="#">55</a>	Deposition of Christopher J. Zwettler taken on May 26, 2022. (Zylstra, Sarah) (Entered: 06/15/2022)
06/20/2022	<a href="#">56</a>	Deposition of John W. Strange taken on June 1, 2022. (Attachments: # <a href="#">1</a> Errata) (Zylstra, Sarah) (Entered: 06/20/2022)
06/20/2022	<a href="#">57</a>	Response to Proposed Findings of Fact filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 06/20/2022)
06/20/2022	<a href="#">58</a>	Reply in Support of Proposed Findings of Fact filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison

		Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 06/20/2022)
06/20/2022	<a href="#">59</a>	Second Declaration of Matthew Tucker filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 06/20/2022)
06/20/2022	<a href="#">60</a>	Second Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">34</a> Motion for Summary Judgment, ( <u>Sealed Document</u> ) (Attachments: # <a href="#">1</a> Exhibit RR -- Dep. Ex. 73 11.5.2014 Email re Resurfacing field, # <a href="#">2</a> Exhibit SS -- Dep. Ex. 49 Dominican Sisters Website Capture, # <a href="#">3</a> Exhibit TT -- Dep. Ex. 68 Email re 2018 Field Usage Schedule, # <a href="#">4</a> Exhibit UU -- Plaintiff's Initial and Supplemental Rule 26(a) Disclosures, # <a href="#">5</a> Exhibit VV -- Plaintiff's Response to Defendants RFP, # <a href="#">6</a> Exhibit WW -- Dep. Ex. 106 8.20.2019 Email re City high school zoning change) (Zylstra, Sarah) (Entered: 06/20/2022)
06/20/2022	<a href="#">61</a>	Brief in Reply by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker in Support of <a href="#">34</a> Motion for Summary Judgment, (Zylstra, Sarah) (Entered: 06/20/2022)
06/21/2022	<a href="#">62</a>	Redaction to <a href="#">60</a> Declaration,,, ( <i>Second</i> ) of Sarah A. Zylstra by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker (Attachments: # <a href="#">1</a> Exhibit RR -- Dep. Ex. 73 11.5.2014 Email re Resurfacing field, # <a href="#">2</a> Exhibit SS -- Dep. Ex. 49 Dominican Sisters Website Capture, # <a href="#">3</a> Exhibit TT -- Dep. Ex. 68 Email re 2018 Field Usage Schedule, # <a href="#">4</a> Exhibit UU -- Plaintiff's Initial and Supplemental Rule 26(a) Disclosures, # <a href="#">5</a> Exhibit VV -- Plaintiff's Response to Defendants RFP, # <a href="#">6</a> Exhibit WW -- Dep. Ex. 106 8.20.2019 Email re City high school zoning change) (Zylstra, Sarah) (Entered: 06/21/2022)
08/25/2022	<a href="#">63</a>	Motion to Compel, <i>to Adjourn Trial, and to Extend Discovery</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc. Response due 9/1/2022. (Ingrisano, Jonathan) Modified on 8/25/2022: Changed from Motion for Miscellaneous Relief to Motion to Compel. (lak) (Entered: 08/25/2022)
08/25/2022	<a href="#">64</a>	Brief in Support of <a href="#">63</a> Motion to Compel, <i>to Adjourn Trial, and to Extend Discovery</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc. (Ingrisano, Jonathan) Modified on 8/25/2022. (lak) (Entered: 08/25/2022)
08/25/2022	<a href="#">65</a>	Declaration of Jonathan R. Ingrisano filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. <i>in Support</i> re: <a href="#">63</a> Motion to Compel, (Attachments: # <a href="#">1</a> Exhibit A - March 11, 2022 search term correspondence, # <a href="#">2</a> Exhibit B - July 15, 2022 Strange production request email, # <a href="#">3</a> Exhibit C - August 10, 2022 Strange production request follow-up email,

		# <a href="#">4</a> Exhibit D - August 17, 2022 Strange production stipulation email, # <a href="#">5</a> Exhibit E - August 19, 2022 discovery deficiency and adjournment correspondence, # <a href="#">6</a> Exhibit F - August 23, 2022 discovery deficiency and adjournment response correspondence, # <a href="#">7</a> Exhibit G - August 24, 2022 discovery deficiency and adjournment reply correspondence, # <a href="#">8</a> Exhibit H - CITY-DEF-052799 (August 17, 2022 production), # <a href="#">9</a> Exhibit I - CITY-DEF-052801 (August 17, 2022 production), # <a href="#">10</a> Exhibit J - CITY-DEF-052764 (August 17, 2022 production), # <a href="#">11</a> Exhibit K - CITY-DEF-052788 (August 17, 2022 production), # <a href="#">12</a> Exhibit L - CITY-DEF-052753 (August 17, 2022 production), # <a href="#">13</a> Exhibit M - CITY-DEF-052797 (August 17, 2022 production)) (Ingrisano, Jonathan) Modified on 8/25/2022. (lak) (Entered: 08/25/2022)
08/25/2022		Set Deadlines as to <a href="#">63</a> Motion to Compel, to Adjourn Trial, and to Extend Discovery . Telephone Motion Hearing set for 9/2/2022 at 01:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. (jat) (Entered: 08/25/2022)
09/01/2022	<a href="#">66</a>	Deposition of Tim Parks taken on August 16, 2022. (Zylstra, Sarah) (Entered: 09/01/2022)
09/01/2022	<a href="#">67</a>	Motion for Leave to File Declaration in Camera by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin. (Zylstra, Sarah) (Entered: 09/01/2022)
09/01/2022	<a href="#">68</a>	Brief in Opposition by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin re: <a href="#">63</a> Motion to Compel, filed by Edgewood High School of the Sacred Heart, Inc. (Zylstra, Sarah) (Entered: 09/01/2022)
09/01/2022	<a href="#">69</a>	Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin In Opposition To Plaintiff's re: <a href="#">63</a> Motion to Compel, (Attachments: # <a href="#">1</a> Exhibit A - Email chain re meet and confer November 2, 2021 to January 5, 2022, # <a href="#">2</a> Exhibit B - Plaintiff's January 4, 2022 Letter to Defendants, # <a href="#">3</a> Exhibit C - Defendants' January 11, 2022 Letter and custodian list to Plaintiff, # <a href="#">4</a> Exhibit D - Email explaining City's search capabilities January 20, 2022, # <a href="#">5</a> Exhibit E - Plaintiff's February 8, 2022 letter to Defendants re search terms, # <a href="#">6</a> Exhibit F - Plaintiff's February 8, 2022, letter to Defendants re meet and confer, # <a href="#">7</a> Exhibit G - Plaintiff's February 14, 2022, letter to Defendants, # <a href="#">8</a> Exhibit H - Defendants' March 4, 2022 Letter to Plaintiff, # <a href="#">9</a> Exhibit I - Defendants' March 11, 2022 Letter to Plaintiff, # <a href="#">10</a> Exhibit J - Defendants' March 23, 2022 Letter to Plaintiff, # <a href="#">11</a> Exhibit K - Defendants' emails providing access to document production, # <a href="#">12</a> Exhibit L - Email chain between counsel March 8 to March 29, 2022, # <a href="#">13</a> Exhibit M - Email chain between counsel March 31, 2022, # <a href="#">14</a> Exhibit N - Email chain between counsel July 15, 2022,

		# <a href="#">15</a> Exhibit O - Plaintiffs Second Set of Discovery to Defendants, # <a href="#">16</a> Exhibit P - Edgewood's Responses to Defendants' Second Set of Discovery, # <a href="#">17</a> Exhibit Q - Defendants' August 10, 2022 Letter to Plaintiff, # <a href="#">18</a> Exhibit R - Email chain between counsel August 10 to August 15, 2022, # <a href="#">19</a> Exhibit S - Email producing documents August 17, 2022, # <a href="#">20</a> Exhibit T - Email chain between counsel August 17, 2022, # <a href="#">21</a> Exhibit U - Deposition Exhibit 119) (Zylstra, Sarah) (Entered: 09/01/2022)
09/02/2022	70	<b>** TEXT ONLY ORDER **</b> <b>ORDER</b> granting <a href="#">67</a> Motion for Leave to File Declaration in Camera. Signed by Magistrate Judge Stephen L. Crocker on 9/2/22. (jat) (Entered: 09/02/2022)
09/02/2022	71	<b>** TEXT ONLY ORDER **</b> As a heads-up to the parties, regardless of the court's decision on plaintiff's pending motion to compel and reschedule, the court cannot try this case on October 17, 2022. At the September 2, 2022 telephonic hearing, the court will be offering these new trial dates: Nov. 28, 2022, Dec. 12, 2022, Jan. 9, 2023, Jan. 17, 2023, and Jan. 23, 2023. The court will give the attorneys time after the hearing to consult with their clients and witnesses before reporting back to the court. Moving the trial date will not, ipse, result in an extension of the discovery cutoff. Signed by Magistrate Judge Stephen L. Crocker on 9/2/22. (jat) (Entered: 09/02/2022)
09/02/2022		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Motion Hearing held on 9/2/2022 [:25] (cak) (Entered: 09/02/2022)
09/02/2022	72	<b>** TEXT ONLY ORDER **</b> At a September 2, 2022 telephonic hearing, the court granted in part and denied in part plaintiff's motion to compel discovery (dkt. <a href="#">63</a> ), in the manner and for the reasons stated. As discussed at the hearing, if the parties cannot quickly agree on the parameters of the final search, then they must promptly notify the court so that it can referee the dispute. Finally, the remainder of the schedule is STRUCK. Not later than September 9, 2022, the parties are to report which of the offered dates they have chosen for trial and the court will reset the remaining dates leading toward it. The parties had no other matters to bring to the court's attention. Each side will bear its own costs on this motion. Signed by Magistrate Judge Stephen L. Crocker on 9/2/2022. (arw) (Entered: 09/02/2022)
09/09/2022	<a href="#">73</a>	Response re: 72 Order on Motion to Compel,,, <i>Communication on Adjourned Trial Date</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. (Ingrisano, Jonathan) (Entered: 09/09/2022)
09/09/2022	74	<b>** TEXT ONLY ORDER **</b> In response to the parties' request (dkt. <a href="#">73</a> ), although a December 5, 2022 trial date is not optimal for the court, we will make it work. Here is the new schedule: discovery ends October 21, 2022, the same day that settlement letters are due to the Clerk of Court. Submissions for the final pretrial conference are due October 28, 2022, responses by November 10, 2022. The final pretrial conference will be held November 22, 2022 at 2:30 p.m. If necessary, a follow-up final pretrial conference will be held November 29, 2022 at 2:30 p.m. Jury selection and trial will begin December 5, 2022 at 9:00 a.m. Signed by Magistrate Judge Stephen L. Crocker on 9/9/2022. (acd) (Entered: 09/09/2022)

09/12/2022	<a href="#">75</a>	Motion for Clarification by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin re: 74 Scheduling Order. (Zylstra, Sarah) Modified on 9/12/2022: E-mail sent to counsel. (lak) (Entered: 09/12/2022)
09/12/2022	76	<b>** TEXT ONLY ORDER **</b> In response to defendant's request for clarification, defendant is surmising correctly: the September 9 scheduling order (dkt. 74 ) does not change anything that the court ordered at the September 2, 2022 hearing (dkt. 72 ). The October 21, 2022 discovery cutoff is the date by which the remaining allowed discovery must be completed, including any court intervention if it is needed. Signed by Magistrate Judge Stephen L. Crocker on 9/12/2022. (acd) (Entered: 09/12/2022)
09/19/2022	<a href="#">77</a>	Motion to Supplement <i>Summary Judgment Record</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. Motions referred to Magistrate Judge Stephen L. Crocker. (Ingrisano, Jonathan) (Entered: 09/19/2022)
09/19/2022	<a href="#">78</a>	Declaration of Noel W. Sterett filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">77</a> Motion to Supplement (Attachments: # <a href="#">1</a> Exhibit A - E-mails forwarding draft letters (CITY-DEF-052729, 052773-052776)) (Ingrisano, Jonathan) Modified on 9/28/2022: Added exhibit description. (lak) (Entered: 09/19/2022)
09/19/2022	<a href="#">79</a>	Supplemental Proposed Findings of Fact filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">77</a> Motion to Supplement <i>Summary Judgment Record</i> (Ingrisano, Jonathan) (Entered: 09/19/2022)
09/19/2022	<a href="#">80</a>	Supplemental Response to Proposed Findings of Fact filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">77</a> Motion to Supplement <i>Summary Judgment Record</i> (Ingrisano, Jonathan) (Entered: 09/19/2022)
09/19/2022	<a href="#">81</a>	Brief in Support of <a href="#">77</a> Motion to Supplement <i>Summary Judgment Record and Supplemental Argument</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc. (Ingrisano, Jonathan) (Entered: 09/19/2022)
09/23/2022	<a href="#">82</a>	Motion for Discovery <i>To Be Declared Closed Or, In The Alternative, To Limit The Search For Records</i> by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 9/30/2022. (Zylstra, Sarah) (Entered: 09/23/2022)
09/23/2022	<a href="#">83</a>	Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">82</a> Motion for Discovery, (Attachments: # <a href="#">1</a> Exhibit A - Email String Between Counsel from September 7-22, # <a href="#">2</a> Exhibit B - Email Correspondence between counsel from September 23, 2022) (Zylstra, Sarah) (Entered: 09/23/2022)
09/23/2022	84	<b>** TEXT ONLY ORDER **</b> Plaintiff's response to defendant's discovery motion is due by noon on September 27, 2022. The court will hold a telephonic hearing on September 28, 2022 at 3:00 p.m. If the parties cannot reach agreement by then on a search that complies with

		this court's previous directions, then the court is prepared to pull the plug and close discovery forthwith. Signed by Magistrate Judge Stephen L. Crocker on 9/23/2022. (acd) (Entered: 09/23/2022)
09/27/2022	<a href="#">85</a>	Brief in Opposition by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">82</a> Motion for Discovery, filed by City of Madison Plan Commission, Tag Evers, City of Madison Zoning Board of Appeals, Matthew Tucker, City Of Madison Common Council, George Hank, City of Madison, Wisconsin (Ingrisano, Jonathan) (Entered: 09/27/2022)
09/27/2022	<a href="#">86</a>	Declaration of Jonathan R. Ingrisano filed by Plaintiff Edgewood High School of the Sacred Heart, Inc. <i>in Support of Plaintiff's Opposition to</i> re: <a href="#">82</a> Motion for Discovery, (Attachments: # <a href="#">1</a> Exhibit A - Email chain on search negotiations, # <a href="#">2</a> Exhibit B - Email chain on City search functionality, # <a href="#">3</a> Exhibit C - Email chain on City's "false" hits) (Ingrisano, Jonathan) (Entered: 09/27/2022)
09/27/2022	87	<b>** TEXT ONLY ORDER **</b> Plaintiff expresses alarm that the court already has made up its mind on defendant's pending discovery motion. The court assures plaintiff that it would not hold a hearing just to tell Edgewood that it cannot have any more discovery, something the court could accomplish in a text-only order. The court's intent was -- and remains -- to incentivize plaintiff to narrow its last search to fit within the boundaries set at our last hearing, regardless of plaintiff's belief that the city has engaged in undiscovered skullduggery that will be unearthed with just one more on-target search. If there is no set of search terms acceptable to plaintiff that falls within the court's boundaries, then there will not be another search. Perhaps plaintiff's newly-proposed search accomplishes what needs to be accomplished. We will explore this at the September 28, 2022 hearing. Signed by Magistrate Judge Stephen L. Crocker on 9/27/2022. (acd) (Entered: 09/27/2022)
09/28/2022	<a href="#">88</a>	Second Declaration of Sarah A. Zylstra filed by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">82</a> Motion for Discovery, (Attachments: # <a href="#">1</a> Exhibit A -- Email String Between Counsel from September 26-27, 2022) (Zylstra, Sarah) (Entered: 09/28/2022)
09/28/2022		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Motion Hearing held on 9/28/2022 [:20] (cak) (Entered: 09/28/2022)

09/28/2022	<a href="#">89</a>	<b>** TEXT ONLY ORDER **</b> On September 28, 2022, the court held a telephonic hearing on defendant's pending discovery motion, dkt. <a href="#">82</a> . After hearing from the parties, the court ordered that (1) defendant shall execute and disclose on a rolling basis the results of the three searches set forth in the "12:52 email," dkt. <a href="#">88</a> -1 at 4; (2) if plaintiff has any concerns or questions about these disclosures, then it shall address them directly to the court; plaintiff shall not address them to the defendant; (3) the parties will continue to handle privilege issues in the same manner as they have throughout this case. The court briefly provided its perspective on where we now find ourselves with this lawsuit, after which the parties had no other matters to bring to the court's attention. Signed by Magistrate Judge Stephen L. Crocker on 9/28/2022. (acd) (Entered: 09/28/2022)
10/07/2022	<a href="#">90</a>	Deposition of Sister Kathleen Phelan taken on August 10, 2022. (Zylstra, Sarah) (Entered: 10/07/2022)
10/07/2022	<a href="#">91</a>	Deposition of Alan Harper taken on August 31, 2022. (Zylstra, Sarah) (Entered: 10/07/2022)
10/07/2022	<a href="#">92</a>	Brief in Opposition by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin, Tag Evers, George Hank, Matthew Tucker re: <a href="#">77</a> Motion to Supplement filed by Edgewood High School of the Sacred Heart, Inc. (Zylstra, Sarah) Modified on 10/7/2022 (jat). (Entered: 10/07/2022)
10/11/2022	<a href="#">93</a>	Motion for Clarification re 89 Order on Motion for Discovery,,, <i>Letter seeking clarification</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. Response due 10/18/2022. (Ingrisano, Jonathan) (Entered: 10/11/2022)
10/11/2022	<a href="#">94</a>	Response by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin re <a href="#">93</a> Motion for Clarification. (Zylstra, Sarah) Modified on 10/12/2022 (acd). (Entered: 10/11/2022)
10/12/2022	<a href="#">95</a>	<b>** TEXT ONLY ORDER **</b> Defendant's response to plaintiff's motion for clarification (dkt. <a href="#">93</a> ) moots the motion, so it is denied. Signed by Magistrate Judge Stephen L. Crocker on 10/12/2022. (acd) (Entered: 10/12/2022)
10/14/2022	<a href="#">96</a>	Brief in Reply by Plaintiff Edgewood High School of the Sacred Heart, Inc. in Support of <a href="#">77</a> Motion to Supplement, <a href="#">34</a> Motion for Summary Judgment, (Ingrisano, Jonathan) (Entered: 10/14/2022)
10/24/2022	<a href="#">97</a>	Deposition of Susan L. VanderSanden taken on 08/17/2022. (Ingrisano, Jonathan) (Entered: 10/24/2022)
10/26/2022	<a href="#">98</a>	Motion for Clarification re 89 Order on Motion for Discovery,,, <i>Letter requesting unredacted copies of documents</i> by Plaintiff Edgewood High School of the Sacred Heart, Inc.. Response due 11/2/2022. (Attachments: # <a href="#">1</a> Exhibit 1 - Redacted document 1, # <a href="#">2</a> Exhibit 2 - Redacted document 2, # <a href="#">3</a> Exhibit 3 - Redacted document 3, # <a href="#">4</a> Exhibit 4 - Redacted document 4, # <a href="#">5</a> Exhibit 5 - Redacted document 5,

		# <a href="#">6</a> Exhibit 6 - Redacted document 6, # <a href="#">7</a> Exhibit 7 - Redacted document 7, # <a href="#">8</a> Exhibit 8 - Redacted document 8, # <a href="#">9</a> Exhibit 9 - Redacted document 9, # <a href="#">10</a> Exhibit 10 - Redacted document 10, # <a href="#">11</a> Exhibit 11 - Redacted document 11, # <a href="#">12</a> Exhibit 12 - Redacted document 12) (Ingrisano, Jonathan) (Entered: 10/26/2022)
10/26/2022	99	<b>** TEXT ONLY ORDER **</b> In response to plaintiff's October 26, 2022 letter to the court (dkt. <a href="#">98</a> ), not later than October 31, 2022, defendant shall provide ex parte to the court unredacted copies of the specified documents for in camera review. If the reason(s) for the redactions are not apparent, then defendant should explain the redactions in a cover letter. The parties' October 28, 2022 FPTC submission deadline is pushed back to November 4, 2022. Signed by Magistrate Judge Stephen L. Crocker on 10/26/2022. (acd) (Entered: 10/26/2022)
10/27/2022	<a href="#">100</a>	Deposition of Doug Hursh, Corporate Representative of Potter Lawson, Inc. taken on 09/02/2022. (Ingrisano, Jonathan) (Entered: 10/27/2022)
10/27/2022	<a href="#">101</a>	Deposition of Margaret Rose Balistreri-Clarke taken on 08/22/2022. (Ingrisano, Jonathan) (Entered: 10/27/2022)
10/31/2022	102	<b>** TEXT ONLY ORDER **</b> In response to the court's direction (dkt. 99 ), defendant has provided ex parte to the court unredacted copies of the documents flagged by plaintiff in its October 26, 2022 letter to the court (dkt. <a href="#">98</a> ), along with a brief explanation of the reasons for the redactions. As to Exh. 3 (dkt. <a href="#">98</a> -3), the redaction was in the original document; the city did not redact anything before sending it to plaintiff. As for the rest, defendant invokes attorney-client privilege and legislative privilege for reasons stated. Having reviewed the documents, the court finds that all claims of privilege are well-taken. Plaintiff is not entitled to unredacted copies of any of these documents. For what it's worth, all of the redactions are innocuous: nothing of use or interest to plaintiff has been withheld. Signed by Magistrate Judge Stephen L. Crocker on 10/31/2022. (acd) (Entered: 10/31/2022)
10/31/2022	<a href="#">104</a>	Ex parte Communication Pursuant to Court Order by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin ( <u>Ex Parte Document</u> ) (Attachments: # <a href="#">1</a> Exhibit 1-E-mail 1, # <a href="#">2</a> Exhibit 2-E-mail 2, # <a href="#">3</a> Exhibit 3-Document, # <a href="#">4</a> Exhibit 4-E-mail 3, # <a href="#">5</a> Exhibit 5-E-mail 4, # <a href="#">6</a> Exhibit 6-E-mail 5, # <a href="#">7</a> Exhibit 7-E-mail 6, # <a href="#">8</a> Exhibit 8-E-mail 7, # <a href="#">9</a> Exhibit 9-E-mail 8, # <a href="#">10</a> Exhibit 10-E-mail 9, # <a href="#">11</a> Exhibit 11-E-mail 10, # <a href="#">12</a> Exhibit 12-E-mail 11,

		# <a href="#">13</a> Envelope) (acd) (Entered: 11/03/2022)
11/01/2022	103	<b>** TEXT ONLY ORDER **</b> All deadlines in this case are STAYED and the December 5, 2022, trial date is converted into a telephonic status conference at 9:00 a.m. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. Signed by District Judge William M. Conley on 11/01/2022. (acd) (Entered: 11/01/2022)
11/01/2022		Set Telephone Status Conference: Telephone Status Conference set for 12/5/2022 at 09:00 AM before Judge William M. Conley. (acd) (Entered: 11/01/2022)
12/01/2022		Reset Telephone Status Conference: Telephone Status Conference set for 1/3/2023 at 09:00 AM before District Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (acd/sv) (Entered: 12/01/2022)
12/30/2022	<a href="#">105</a>	<b>ORDER</b> granting <a href="#">77</a> plaintiff's Motion to Supplement and granting <a href="#">34</a> defendants Motion for Summary Judgment. The Jan. 3rd status conference is canceled. Signed by District Judge William M. Conley on 12/30/2022. (mfh) (Entered: 12/30/2022)
01/03/2023	<a href="#">106</a>	JUDGMENT entered in favor of Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin dismissing the case. (acd) (Entered: 01/03/2023)
01/12/2023	<a href="#">107</a>	Bill of Costs by Defendants City Of Madison Common Council, City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City of Madison, Wisconsin. Motions referred to Joel W. Turner, Clerk of Court. Objection to Bill of Costs due 1/23/2023. Brief in Support to Bill of Costs due 2/1/2023. Brief in Reply in Opposition to Bill of Costs due 2/6/2023. (Attachments: # <a href="#">1</a> Exhibit A -- Additional Calculations of Witness Fees, # <a href="#">2</a> Exhibit B -- Fees for Service, # <a href="#">3</a> Exhibit C -- Printed and Recorded Transcripts Invoices) (Zylstra, Sarah) (Entered: 01/12/2023)
01/23/2023	<a href="#">108</a>	Objection to Bill of Costs by Plaintiff Edgewood High School of the Sacred Heart, Inc. re: <a href="#">107</a> Bill of Costs filed by City of Madison Plan Commission, City of Madison Zoning Board of Appeals, City Of Madison Common Council, City of Madison, Wisconsin (Ingrisano, Jonathan) (Entered: 01/23/2023)
01/27/2023	<a href="#">109</a>	NOTICE OF APPEAL by Plaintiff Edgewood High School of the Sacred Heart, Inc. as to <a href="#">105</a> Order on Motion for Summary Judgment,, Order on Motion to Supplement, <a href="#">106</a> Judgment. Filing fee of \$ 505, receipt number AWIWDC-3187549 paid. Docketing Statement filed. (Attachments: # <a href="#">1</a> Docketing Statement) (Ingrisano, Jonathan) (Entered: 01/27/2023)
01/27/2023	<a href="#">110</a>	Appeal Information Packet. (lak) (Entered: 01/27/2023)